

L A W S
OF THE
STATE OF NEW YORK,
PASSED AT THE
NINETY-SECOND SESSION
OF THE
LEGISLATURE,
BEGUN JANUARY FIFTH, AND ENDED MAY TENTH, 1869,
IN THE CITY OF ALBANY.

V O L. I.



ALBANY :
PRINTING HOUSE OF C. VAN BENTHUYSEN & SONS.
1869.

Chap. 165.

AN ACT to authorize the selection and location of certain grounds for public parks in the city of Buffalo, and to provide for the maintenance and embellishment thereof.

Passed April 14, 1869; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be appointed by the mayor of the city of Buffalo, by and with the advice and consent of a majority of all the members of the common council of said city, twelve citizens of Buffalo; and the persons so appointed, together with the mayor of said city, shall be and they are hereby constituted a board of commissioners of the park or parks, approaches and streets which may be created pursuant to the provisions of this act, with the name and style of "The Park Commissioners." The said commissioners shall hold office for the term of five years from the first day of May, eighteen hundred and sixty-nine, and until others are appointed in their places. No member of said board shall receive any compensation for his services, but each commissioner shall be entitled to receive his actual disbursements for expenses in visiting and superintending said park when such visit or service shall be made or rendered by the direction of the board of commissioners. In case any of the persons above named shall not undertake the office of this commission, or in case of a vacancy in said board occasioned by expiration of terms of office or otherwise, such vacancy shall be filled by the mayor by and with the advice and consent of not less than a majority of all the members of the common council of said city; and the person so appointed shall hold his office for the term of five years from the date of his appointment, and until another shall be appointed in his place.

§ 2. The said board shall have power to select and locate such grounds in the seventh, eighth, ninth, tenth, eleventh and twelfth wards of the city of Buffalo, as may in their opinion be proper and desirable to be reserved

Appoint-
ment of
park com-
missioners.

Mayor to
be, ex offi-
cio, a com-
missioner

Terms of
office;

Commis-
sioners to
be paid
their actual
expenses
only.

Vacancies,
how filled.

Location of
grounds for
park and
approach
es.

Streets
may be
taken
therefor.

Map of
land to be
taken for
park, to be
filed.

First meet-
ing of park
commis-
sioners.

Officers of
board.

Commis-
sioners to
report loca-
tion for
park, to
common
council.

Boundaries
and ap-
proaches
thereof.

Name of
park and
streets con-
necting.

Not more
than 500
acres to be
taken for
parks.

and set apart for one or more public parks, and also to locate and lay out such approaches thereto, and streets connecting the said parks, as may in their judgment be desirable, and one-fifth of the lands so taken for a park or parks and approaches thereto and streets connecting the same shall be located east of the west line of Jefferson street; and for this purpose the said commissioners may take any part or parts of existing streets, and also change the lines thereof. Before any proceeding shall be had or taken for acquiring the title to any real estate, the said commissioners shall cause to be made a map of the land which they shall determine to take for such park or parks, and approaches thereto and streets connecting the same, which shall be certified by the president and engineer, or a majority of the commissioners, and filed in the office of the clerk of the county of Erie.

§ 3. The said commissioners shall hold their first meeting on the first Monday of May, one thousand eight hundred and sixty-nine, at twelve o'clock at noon, at the mayor's office in said city. The said commissioners shall, at said meeting, choose a president of said board, who shall be a member thereof, and shall appoint one or more persons to act as the treasurer and secretary of the said board.

§ 4. The said commissioners shall make such selection and location, in view of the present condition and future growth and wants of said city, as they shall deem best; and they shall report such selection and location to the common council of said city, on or before the first day of November, eighteen hundred and sixty-nine. In said report the said commissioners shall state the boundaries of the grounds located by them, and the courses of the approaches and streets by them laid out. In said report the said commissioners shall designate the name or names of the said park or parks, approaches thereto, and streets connecting the same. The aggregate quantity of land which the said commissioners shall select, and locate under the provisions of this act for a park or parks, or for approaches thereto, or streets connecting the same, shall not exceed five hundred acres, but the land in existing streets and public squares or places, or now belonging to said city, shall not be estimated in the said

five hundred acres. And the tracts, pieces and parcels of land which may be described in the said report, are hereby declared to be public places, and shall be deemed to have been taken by said city of Buffalo for public use, as and for a public park or parks, and approaches thereto, and public streets connecting the same. And the parts of all streets, avenues and highways now laid out as running through said pieces of land, are hereby closed and discontinued so far as the same would run through or intersect said pieces of land. The said the park commissioners, for the purpose of performing the duties imposed upon them by this section, may use any map now, or which may hereafter be on file in the city surveyor's office in said city, and shall have power to employ a surveyor and other assistants, at a yearly expense not exceeding three thousand dollars, and the same shall be a charge upon the city of Buffalo, and shall be paid out of the moneys hereby authorized to be raised for such parks.

Lands selected, declared taken for public use.

Closing of streets and avenues through the same.

Park commissioners may use city maps, and appoint surveyors.

Annual expense of surveys.

§ 5. Before any land shall be taken for such park or parks, or for the approaches thereto, or streets connecting the same, by virtue of this act, the common council of the city of Buffalo shall, by resolution, declare that the city of Buffalo intends to take the land which shall have been so selected and located by the said park commissioners, for a public park or parks, and the approaches thereto, and streets connecting the same, and shall give notice of such intention, by publishing the same in all the daily city newspapers for twenty successive week days.

Notice of intention to take lands for park, to be published.

§ 6. After the expiration of the said publications, the common council shall, by a resolution, declare that the city of Buffalo has determined to take and appropriate the said land for the purposes aforesaid, and they shall give notice of such determination by publishing the same in each of the daily city newspapers for ten successive weekdays, and that the city of Buffalo will, on some day to be named in said notice, apply to the superior court of Buffalo for the appointment of three commissioners to ascertain and report the just compensation to be paid to the person or persons or corporation owning or having any interest in said property.

Notice of determination, and application for appointment of commissioners of appraisal.

Superior Court to appoint three commissioners of appraisal.

Vacancies, how filled.

Oaths of office of said commissioners.

Notice of meeting to view property.

May receive legal evidence as to compensation for property.

Report and award of such commissioners, when and where to be filed.

Notice of application for confirmation of report.

Duty of Superior Court.

Order of court, what to contain.

§ 7. Upon the day designated in the said notice, or on some other day to be named by the said court, it shall hear the application of the said city, and appoint three commissioners for the purposes aforesaid, and in case any commissioners shall decline to serve, the said court may, on application of the city attorney, without further notice, appoint another in his place.

§ 8. The commissioners so appointed shall, before they enter upon their duties, take and subscribe an oath, to be administered by some person authorized to administer oaths, faithfully to execute their duty according to the best of their ability. They shall give notice of the time and place of their meeting to view the said property, by publishing the same in all the daily city newspapers for five successive week days.

§ 9. The commissioners shall together view such property, and may receive any legal evidence as to the compensation which should be made therefor, and may adjourn from time to time. They shall ascertain and award to the respective owners of the property to be taken, and to all persons or corporations interested therein, such compensation therefor as in their opinion will be just and proper. The report of the commissioners, signed by a majority of said commissioners, shall be filed in the office of the clerk of the superior court as soon as completed, and said report shall be made and filed within six months from the time of their appointment; and in making such estimate they shall not make any deduction or allowance for or on account of any supposed benefits or advantages to be derived from taking said lands as public places, or in consequence thereof.

§ 10. After the report of the said commissioners shall be so filed, the common council shall give notice by publishing the same in ten successive numbers of each of the daily newspapers in said city, that they will, on a day to be specified in said notice, apply to the superior court of Buffalo for an order confirming the report, and on the day so appointed the said court, upon being furnished with proof of the due publication of said notice, as above provided, shall confirm such report, and shall make an order containing a recital of the substance of the proceedings in the matter of the appraisal, and a descrip-

tion of the real estate appraised for which compensation is to be made; and shall also direct to whom the money is to be paid, or in what bank or in what manner it shall be deposited by said city.

§ 11. A certified copy of the order so to be made, as aforesaid, shall be recorded at full length in the office of the clerk in the county of Erie, and thereupon, and on payment or deposit by the city of Buffalo of the sums to be paid as compensation for the lands so taken, as directed by said order, the said lands shall vest forever in the city of Buffalo, for the uses and purposes in this act mentioned, and the said park commissioners shall be entitled to enter upon, take possession of, and forever use the said land for the purposes of a park or parks, approaches thereto, and streets connecting the same.

Order to be recorded.

Lands to vest in city on payment therefor. Park commissioners may take possession thereof.

§ 12. If there shall be adverse and conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate taken for the purposes aforesaid, the court may direct the moneys to be paid into court by the city, and may determine who is entitled to the same, and direct to whom the same shall be paid, and may, in its discretion, order a reference to ascertain the facts on which such determination and order are to be made.

Money to be paid to court in case of conflicting claimants.

§ 13. The said court shall have power at any time to amend any defect or informality in any of the proceedings to acquire title to the said land, as may be necessary; and also to appoint other commissioners in place of any who shall die, or refuse or neglect to serve, or be incapable of serving.

Court may amend defects in proceedings.

§ 14. If, at any time after an attempt to acquire title by appraisal as aforesaid, it shall be found that the title thereby attempted to be acquired is defective, the city of Buffalo shall proceed anew to acquire or perfect such title in the same manner as if no appraisal had been made; and at any stage of the proceedings, after the confirmation of the report of the said commissioners, the said court may authorize the said park commissioners, if in possession, to continue in such possession, and if not in possession, to take possession, and use such real estate during the pendency, and until the final con-

City may proceed anew in case of defective title.

Court may authorize park commissioners to take possession pending

new proceedings.

clusion of such new proceedings, and may stay all actions or proceedings against the park commissioners, or against the city of Buffalo, on account thereof, upon the city of Buffalo paying into court a sufficient sum, or giving such security as the court may direct, to pay the compensation therefor when finally ascertained.

Covenants and stipulations in leases to cease on confirmation of report.

§ 15. In all cases where any real estate subject to any lease or other agreement shall be taken under the proceedings authorized by this act, all the covenants and stipulations contained in such lease or agreement shall, upon the final confirmation of the report of said commissioners, cease, determine and be discharged; and in all cases when a part only of any real estate shall be so taken, the said covenants and stipulations shall be so discharged only as to the part so taken. And the superior court of said city may, on the application of any party in interest to such lease or agreement, and after a notice in writing of eight days upon the other parties interested, appoint three disinterested freeholders of the city, residents therein, to determine the rents, payments and conditions which shall be thereafter paid and performed under such lease or agreement, in respect to the residue of such real estate. And the report of the said freeholders, on being confirmed by the court, shall be binding and conclusive on all persons interested in such real estate.

Power of court in cases of partial discharge.

City park bonds to issue for lands and laying out park.

§ 16. For the purpose of paying for the lands which may be taken under the provisions of this act, and for the purpose of laying out, improving and embellishing the park or parks, approaches thereto and connecting streets created under the provisions of this act, and the expenses of acquiring title thereto under the provisions of this act, the bonds of the city of Buffalo, to such an amount not exceeding five hundred thousand dollars, as shall be necessary, shall be issued by the mayor and comptroller of said city from time to time as the same shall be required for the purposes aforesaid. Said bonds shall be known as the "Buffalo Park Bonds," and shall be payable in not less than forty-five nor more than sixty years from the date thereof; shall bear interest at a rate not exceeding seven per cent per annum, payable half yearly on the first days of January and July in each year. And the said bonds and the proceeds of the sale thereof shall consti-

Amount authorized.

When payable.

Rate of interest.

Proceeds from bonds, how applied.

tute the fund for paying the cost of the lands taken under the provisions of this act and the expenses of acquiring the title thereto, and for the laying out, improvement and embellishment thereof. And the treasurer of said city shall pay the sums which may be awarded as above provided to the owner or owners or persons in any way interested in the lands which shall be taken pursuant to the provisions of this act. And as the said bonds are from time to time issued, the comptroller shall cause to be kept in his office, in a book to be provided for that purpose, a true and correct statement and account of each and every bond issued under the provisions of this act, showing the number of each bond and the date and the amount thereof, and the time when due; and such books shall be open for public inspection, and shall be delivered to his successor in office.

City treasurer to pay land awards.

City comptroller to keep record of bonds issued.

§ 17. The bonds of the city of Buffalo which shall be issued by virtue of this act, bearing a rate of interest not less than seven per cent per annum, may be used by said city, or by the treasurer thereof, at not less than their par value, in paying any amounts which said city shall have become liable to pay for compensation or damages awarded under this act. The bonds of the city of Buffalo, which shall be issued by virtue of this act, may be sold at public or private sale, or by subscription, and on such terms not less than par, as the common council of said city may prescribe. And the proceeds of such sale shall be paid over to the treasurer of said city; or said treasurer may, with the concurrence of the mayor and comptroller of said city, pledge any of said bonds for money borrowed temporarily and for the purposes of this act, at a rate of interest not exceeding seven per cent per annum. And any savings bank in said city may loan its funds to the city of Buffalo, for the purposes of this act, and bonds of the city of Buffalo shall be issued to the bank making such loan, in manner and form as above prescribed, at such rate of interest, not exceeding seven per cent, and upon such terms of payment, not sooner than forty-five years, as may be agreed upon between the trustees of such bank and the common council of said city.

Bonds to be used at not less than par value.

Sale thereof.

Proceeds of sale to be paid to treasurer.

City savings banks may loan funds upon such bonds.

§ 18. The lands hereby authorized to be taken by said

Parklands
pledged for
payment of
bonds.

city for a public park or parks, and for approaches thereto, and streets connecting the same, are hereby pledged for the payment of the bonds which may be issued by virtue of this act.

General
city tax for
interest up-
on bonds.

§ 19. In order to provide for the payment of the interest and principal of the bonds hereby authorized to be issued by said city, there shall be added to the general city tax for the city of Buffalo at large, in the year when the first issue of bonds hereby authorized shall be made, and each year thereafter, such sum of money in each of said years as shall be required to pay the interest upon the bonds which shall have been issued pursuant to the provisions of this act, and also a sum of money equal to one per centum upon the whole amount of the bonds issued pursuant to this act. And such sums of money as may be raised by taxation pursuant to this act shall be applied, first, to the payment of the interest upon the bonds issued pursuant to the provisions of this act, and such sums of money raised as aforesaid, as may remain after the payment of said interest, shall be held by the comptroller of the said city, and shall be used by said comptroller in the redemption and payment of any of said bonds which may be presented for payment, even though the same may not be due. And the comptroller shall give each year twenty days' notice by publication in two daily newspapers published in said city, one of which shall be the official paper, of the amount of said bonds which he shall be prepared to redeem and pay, and in such notice he shall state the time when and place where the said bonds may be presented for redemption and payment, and the said comptroller shall pay the bonds which may be presented for payment during the period mentioned in said notice, in the order in which said bonds shall be presented, to such an amount as the funds in the hands of the treasurer shall permit; and all sums of money which shall remain in the said treasurer's hands after paying the interest on said bonds, and after paying and redeeming such bonds as shall be presented for payment pursuant to the terms hereof, shall be invested in the bonds of the city of Buffalo, or in the public stocks of the United States, or in the bonds of the State of New York, and the funds so invested and the accumulation thereof shall,

One per
centum of
principal to
be raised
annually.
Proceeds
from tax,
how ap-
plied.

Comptrol-
ler to give
annual
notice of
payments.

Investment
of surplus
funds.

as herein provided, be applied to the redemption and payment of bonds issued pursuant to the provisions of this act, and to the full and final redemption of the said bonds, and for no other purpose or purposes. It shall be the duty of the comptroller of said city to estimate and ascertain the amounts required to be added to the general city tax of said city, by virtue of this act, and to transmit a statement each year to the common council of said city, in time to have such amount included in the general tax of said city for that year; and it shall be the duty of said common council to cause such amount to be included in such general tax. And said common council shall annually provide by tax for the payment of the principal and interest of the bonds issued pursuant to the provisions of this act. And in making the levy of taxes in this section prescribed, the assessors of said city and the said common council shall so apportion and levy the same, that one-half of all sums of money which shall be levied for the purpose of paying the principal and interest of the bonds which may have been issued pursuant to the provisions of this act, shall be levied and collected exclusively upon and from the lands deemed to have been benefited by the improvements in this act provided for. And the said assessors shall take such proper action in the premises as to them may seem wise, to ascertain what lands and other property have been benefited by the said improvements.

Annual report of comptroller to common council as to amount of tax to be raised.

Duty of common council.

Assessors and common council to levy tax.

One-half thereof to be assessments for benefits.

§ 20. The commissioners appointed by virtue of section seven of this act shall have authority to employ surveyors, and to use any map on file or belonging to said city, and to cause maps to be made as may be necessary. Said commissioners shall be allowed a compensation of five dollars per day for their time actually employed in discharging their duties as such commissioners. And all such compensation, and the necessary expenses of the commissioners in discharging their duties, shall be allowed, on taxation by the court aforesaid, and paid by said city of Buffalo, out of the moneys hereby appropriated.

Commissioners of appraisal may use city maps, &c.

Their compensation.

How paid.

§ 21. A majority of the board of the said, the park commissioners, shall constitute a quorum for the transaction of business. The said board shall have the full

Quorum of park commissioners

To make
by-laws
and rules.
Govern-
ment and
direction of
parks.
Appoint-
ment of
surveyors,
clerks, &c.
General
powers.

and exclusive power to make rules and by-laws for the orderly transaction of their business; to govern, manage, and direct, and to lay out and regulate the said park or parks, the approaches thereto, and the streets connecting the same; to appoint such engineers, surveyors, clerks and other officers (except a police force), as may be necessary; to prescribe and define their respective duties and to fix the amount of their compensation; and generally, in regard to the said park or parks, the approaches thereto, and streets connecting the same, they shall possess all the power and authority now by law conferred on or possessed by the common council of said city, in respect to the public squares and places in said city.

Commis-
sioners not
to be inter-
ested in
contracts
for work on
park.

§ 22. It shall be a misdemeanor for any commissioner to be directly or indirectly, in any way pecuniarily interested in any contract or work of any kind whatever connected with said park or parks, approaches thereto or streets connecting the same; and it shall be the duty of any commissioner or other person who may have any knowledge or information of the violation of this provision, forthwith to report the same to the mayor of the city of Buffalo, who shall present the facts of the case to the superior court of Buffalo. The said court shall hear in a summary manner, such commissioner in relation thereto, and any evidence he may offer; and if after such hearing, the said court shall be satisfied of the truth of the said charge, the justice holding the same shall, by an order of said court, to be made at chambers or in term, immediately remove the said commissioner. Every commissioner shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution of the State, which oath shall be filed in the office of the clerk of the superior court of Buffalo.

May be
removed
after hear-
ing.

Oaths of
office of
commis-
sioners.

Annual re-
port of
park com-
missioners.

§ 23. The said the park commissioners shall, in the month of January of every year, make to the common council of said city a full report of their proceedings and a detailed statement of all their receipts and expenditures.

Park com-
missioners
may lease
buildings
and

§ 24. Whenever the city of Buffalo shall have become vested with the title to the lands taken pursuant to this act, it shall be lawful for the said park commissioners

to let from year to year any buildings and the grounds attached thereto which may be within the boundaries of the lands so taken, until the same shall be required for the laying out, regulation and improvement of the lands so taken; and the said the park commissioners may sell any buildings, improvements and other materials within the boundaries of the lands so taken and belonging to said city, which, in their judgment, shall not be required for the purposes of the said park or parks, approaches thereto, and streets connecting the same; and the proceeds of such leases and sales shall be deposited with the treasurer of said city, to the credit of the said the park commissioners, and used by them for the improvement of the said park or parks, approaches thereto and streets connecting the same.

grounds
until re-
quired for
park.

Sale of
buildings
and leases
authorized.

Proceeds,
how appli-
ed.

§ 25. The said the park commissioners shall have power upon such terms, or upon the payment of such yearly license fee or per capita tax as the park commissioners may prescribe, to grant to any street railway company in said city the privilege of laying down and operating a railway, for the carriage of passengers only, through the said connecting streets and approaches; but no street or other railway shall enter upon, in or through the said park or parks. The said commissioners shall have power to license hacks for use in said park or parks, to let from year to year, or for any term not exceeding ten years, the right to sell refreshments within the said park or parks, under such regulations as the said the park commissioners shall prescribe. Any and all sums of money which may be received by the said the park commissioners, pursuant to this section, shall be devoted to the improvement of the said park or parks, approaches thereto or streets connecting the same.

Grant to
street rail-
way com-
pany to
operate
railway
in park
grounds.

Power to
license
hacks
therein.

Sale of re-
freshments.

Proceeds,
how appli-
cable.

§ 26. No plan for the laying out and improvement of the said park or parks, approaches thereto and streets connecting the same, shall be adopted or undertaken by the said the park commissioners, of which the entire expense, when funded, shall require for the payment of the annual interest thereon a greater sum than twenty-one thousand dollars per annum; and bonds shall be issued, sold and disposed of, as directed in this act, for the purpose of providing such sums of money as shall from

Proviso as
to adoption
of plans
and entire
expense.

time to time be required by the said the park commissioners to carry out and execute the plan they shall adopt, subject to the limitations in this act provided.

Common council to grant moneys annually for maintenance of park and office.

§ 27. The common council of said city shall every year grant to the said the park commissioners such sum of money as they shall require, and, as to the said common council shall appear reasonable and just for the government and maintenance of the said park or parks, approaches thereto and streets connecting the same, and for keeping in repair the improvements and structures therein, and for furnishing a suitable office for said commissioners. And the sum of money granted pursuant to this section shall be paid out of the general fund of said city.

How paid.

City treasurer to keep account with improvement fund.

§ 28. The money raised by the sale of the bonds issued pursuant to the provisions of this act shall be deposited, as fast as the same shall be realized, with the treasurer of the city of Buffalo, who shall keep a separate account of all moneys received by him for the laying out and improvement of the park or parks, approaches thereto, and streets connecting the same, to be known as the "Improvement Fund." He shall hold all such moneys on account of and for the purpose of, said improvement and the expenses herein authorized, and shall pay them out as provided in this act, and not otherwise. The said, the park commissioners shall draw their drafts upon the said treasurer, signed by their president and secretary, for all claims, charges and expenses, authorized and incurred by them in the laying out and improving of the said park or parks, approaches thereto, and streets connecting the same, specifying in such drafts the purpose for which they are drawn; and the treasurer shall pay the same out of the improvement moneys, upon the presentation of said drafts. The moneys voted by the common council, pursuant to section twenty-seven of this act, shall be deposited with the treasurer of said city, who shall keep a separate account of all such moneys, and the same shall be known as the "Maintenance Fund;" and he shall pay them out upon the drafts of the said, the park commissioners issued in the form and manner prescribed by this section, and not otherwise; and the said treasurer shall pay the said drafts out of

To hold and pay out moneys therefor.

Drafts upon treasurer, how drawn.

Treasurer to keep and disburse maintenance fund.

the said "Maintenance Fund" upon the presentation of said drafts.

§ 29. The board of commissioners of the Niagara Frontier Police District shall detail for service in the said park or parks, approaches thereto and streets connecting the same, such number of policemen as the said the park commissioners shall by their resolution require; and such policemen when detailed for service pursuant to this section shall be subject to the rules and regulations which shall be adopted by the said the park commissioners, not inconsistent with the rules and regulations of the said board of commissioners of the Niagara Frontier Police District.

Police commissioners to detail policemen for park.

Rules for government of policemen.

§ 30. None of the said park commissioners nor any person whether in the employ of said commissioners or otherwise, shall have the power to create any debt, obligation, claim or liability for or on account of the said the park commissioners, except with the express authority of said commissioners conferred at a meeting thereof duly convened and held.

Park commissioners to create no unauthorized debts.

§ 31. The office of any one of the said park commissioners who shall not attend the meetings of the said board of the park commissioners for three successive months, after having been duly notified of said meetings, without reason therefor satisfactory to said board, or without leave of absence from said board, shall by said board be declared vacant.

Continued absence from meetings to create vacancy.

§ 32. Real and personal property may be granted, bequeathed, devised, or conveyed to the said city of Buffalo, for the purpose of the improvement or ornamentation of the said park or parks, approaches thereto, and streets connecting the same, or for the establishment or maintenance therein of museums, zoological or other gardens, collections of natural history, observatories, libraries, monuments, or works of art, upon such trusts and conditions as may be prescribed by the grantors or devisors thereof, and agreed to by the mayor and common council of said city. All property so devised, granted, bequeathed or conveyed, and the rents, issues, profits and income thereof, shall be subject to the ex-

Grants, devises and bequests may be made for park or museum, &c.

clusive management, direction and control of the said, the park commissioners.

Ordinances
for govern-
ment of
park.

§ 33. It shall be lawful for said board of the park commissioners at any meeting thereof, duly convened, to pass such ordinances as they may deem necessary for the use, regulation, protection and government of the said park or parks, approaches thereto, and streets connecting the same, not inconsistent with the ordinances of the city of Buffalo, or with the provisions of this act; such ordinances shall, immediately upon their passage, be published for ten days in two daily newspapers published in said city, one of which shall be the official paper.

Publication
thereof.

Penalty for
violation of
such ordi-
nances.

§ 34. All persons offending against such ordinances shall be deemed guilty of a misdemeanor, and shall be punished, on conviction before any court of competent jurisdiction in the city of Buffalo, by a fine not exceeding one hundred dollars or by imprisonment not exceeding thirty days, or both at the discretion of the court.

Proceed-
ings in
Superior
Court.
Eligibil-

§ 35. All proceedings in any court contemplated by this act shall be had in the superior court of Buffalo.

park com-
missioners.
Repeal.

§ 36. No member of the common council of said city shall be eligible to the office of a park commissioner.

§ 37. All acts and parts of acts inconsistent with this act are hereby repealed.

Chap. 166.

AN ACT to provide for the purchase of a steam fire engine in the village of Palmyra, and for the more effectual protection of said village against fire.

Passed April 14, 1869; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue and
sale of vil-
lage bonds
authorized.

SECTION 1. The trustees of the village of Palmyra are hereby authorized to issue the bonds of said village, in such sums as they shall deem expedient, to an amount not exceeding ten thousand dollars, bearing interest at the rate of seven per cent per annum, and to sell such bonds at not less than their par value, and to apply the